

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ROSE M. BYRD,

Plaintiff,

v.

ORDER

13-cv-714-jdp

WISCONSIN DEPARTMENT OF  
VETERANS AFFAIRS,

Defendant.

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Defendant Wisconsin Department of Veterans Affairs has two motions pending: a motion for summary judgment, Dkt. 53; and a motion to dismiss plaintiff Rose Byrd's case as a sanction for discovery violations, Dkt. 68. In a previous order, Dkt. 69, I set February 25, 2015, as the deadline for plaintiff's opposition to defendant's motion to dismiss, which is the same deadline for her opposition to defendant's motion for summary judgment. On February 10, plaintiff filed a "Brief in Opposition to Defendant's Motion to Dismiss." Dkt. 74. Plaintiff's opposition to defendant's motion to dismiss is about two weeks early, which is just fine, although defendant's reply is still due on March 9.<sup>1</sup>

But plaintiff concludes her filing by asking the court to deny defendant's motion for summary judgment. This is a potential problem. Plaintiff's February 10 filing does not follow the court's procedures for opposing a motion for summary judgment. Specifically, plaintiff has not responded to defendant's proposed findings of fact, nor does her brief address defendant's arguments in support of summary judgment. I say this is only a "potential" problem, because plaintiff still has until February 26 to file a proper opposition to defendant's motion for

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<sup>1</sup> An earlier order directed both parties to address defendant's motion to dismiss in their summary judgment briefs. Dkt. 69, at 2. Although plaintiff has filed a separate brief for the motion to dismiss, defendant is still free to combine its replies into one filing.



summary judgment. I am issuing this order so that plaintiff clearly understands that she has more work to do to oppose defendant's motion for summary judgment.

IT IS ORDERED that plaintiff has until February 26, 2015, to file her opposition to defendant's motion for summary judgment. Plaintiff must follow the procedures for opposing summary judgment that were explained in the pretrial conference order, Dkt. 9, and that were also attached to a January 27, 2015, docket entry that set the briefing schedule for defendant's motion.

IT IS FURTHER ORDERED that if plaintiff fails to follow these procedures, or if she fails to submit a brief by the deadline in this order, the court will grant defendant's motion for summary judgment as unopposed.

Entered February 12, 2015.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge